

**\*E-Filed 08/05/2010\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ELAN MICROELECTRONICS  
CORPORATION,

**No. C 09-01531 RS**

**ORDER RE SEALING MOTIONS**

Plaintiff,

v.

APPLE, INC.,

Defendant.

In conjunction with Apple's motion to dismiss Elan's counterclaim for inequitable conduct, the parties each filed sealing motions regarding certain materials they submitted. Elan's motion (Dkt. No. 137) sought to seal Exhibits B, D, E, M, R, S, T, and U, to the Declaration of Sean P. DeBruine (Dkt. No. 136) submitted in support of Elan's opposition, all of which are materials that had been designated by Apple as "confidential," or "highly confidential" under the protective order governing this action. Pursuant to Civil Local Rule 79-5, Apple has submitted a declaration that adequately establishes grounds for filing Exhibits B, D, E, T, and U under seal. Apple has withdrawn the confidentiality designations for Exhibits M, R, and S. Accordingly, the sealing motion is GRANTED as to exhibits B, D, E, T, and U and DENIED as to Exhibits M, R, and S.

Elan also filed its opposition brief in a redacted version, omitting from the public record certain quotations from deposition testimony that apparently had been designated by Apple as

1 confidential. Neither Elan's sealing motion, nor Apple's declaration in response addressed those  
2 redactions. The Court has reviewed the redactions. Even assuming the depositions cited otherwise  
3 contained information subject to protection, the particular excerpts quoted in Elan's brief do not  
4 warrant sealing. Accordingly, Elan shall re-file its opposition brief in unredacted form.

5 Apple's sealing motion (Docket No. 145) seeks sealing of Exhibits A and B to the  
6 Declaration of Sonal N. Mehta lodged in support of Apple's reply brief, as well as paragraph 4 of  
7 that declaration. Apple's motion and Elan's responsive declaration adequately establish grounds for  
8 sealing those materials. Accordingly, Apple's sealing motion is GRANTED. Apple shall efile the  
9 Mehta declaration with paragraph 4 and Exhibits A and B redacted.

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11 IT IS SO ORDERED.

12 Dated: 08/05/2010

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14 RICHARD SEEBORG

15 UNITED STATES DISTRICT JUDGE  
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